

PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION STUDY

APPENDIX D

CULTURAL RESOURCES

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1.0 INTRODUCTION

The United States Army Corps of Engineers, Seattle District (Corps) has prepared this plan as the preliminary foundation for a memorandum of agreement (MOA) executed pursuant to 36 C.F.R. § 800.6, a programmatic agreement (PA) executed pursuant to 36 C.F.R. § 800.14(b), or the documents used by the Corps to comply with the National Environmental Policy Act pursuant to 36 C.F.R. § 800.8. The plan provides a framework and commitments for completing identification, evaluation, and assessment of effects for historic properties that may be affected by the Puget Sound Nearshore Marine Habitat Restoration Project, Washington (Nearshore Project). Historic properties is the term for cultural resources (archaeological sites, buildings, structures, districts, objects, traditional cultural properties, and cultural landscapes) listed in or eligible for listing in the National Register of Historic Places (National Register). The Corps is currently consulting with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) on the appropriate mechanism to fulfill the agency's Section 106 responsibilities, given the multiple restoration sites under consideration for Federal funding and the restricted scope and scale of identification efforts in support of the planning decision. The process will provide for the partial deferment of the inventory and evaluation of cultural resources until specific restoration actions and alternatives are more fully defined. Its development and the actions proposed are consistent Section 106 and other Federal laws and regulations, which directly or indirectly address cultural resources issues.

2.0 NEARSHORE PROJECT BACKGROUND

The Puget Sound Basin's nearshore zone is the transitional zone between terrestrial, freshwater, estuary and marine systems. Landforms found in the nearshore zone include beaches, coastal banks or bluffs, estuarine deltas, shallow marine water, and tidal lands. These areas support a diverse array of fish, wildlife, and plants, including several species listed under the Endangered Species Act. Ecological degradation of the nearshore zone is primarily attributable to human-made stressors that have impeded ecosystem processes such as tidal exchange, transport of sediments and freshwater inflow. Alternatives being considered within the Nearshore Project call for the removal of many of these stressors and other actions to restore natural processes.

The Corps and the WDFW have prepared an integrated draft Feasibility Report/Environmental Impact Statement (FR/EIS) to support Federal approval of the Nearshore Project. Readily available information and analyses at a conceptual level of design were used to devise the FR/EIS's alternatives for restoration actions. After Corps approval of the FR/EIS, the Nearshore Project would be submitted to Congress for approval and funding. Once funding is authorized, the Corps would prepare feasibility level designs for each restoration project authorized for construction.

3.0 PRELIMINARY CULTURAL RESOURCE ANALYSIS

The cultural resource analysis presented in the FR/EIS is based on a series of preliminary investigations sponsored by the United States Fish and Wildlife Service (USFWS) in 2011. Those investigations were part of a larger study designed to provide baseline environmental information for 36 nearshore sites with significant ecosystem degradation issues. The USFWS anticipated the Corps and WDFW would use the information to review, prioritize, and select sites most appropriate for Federal funding. Baseline information collected for sites not selected for the Nearshore Project, alternatively, would be made available to support and expedite final implementation of restoration actions through other Federal, local, state, or other programs.

Preliminary or baseline investigations for cultural resource concerns included: 1) a literature review; 2) reconnaissance inventory; and 3) development of historic context for one of the most prevalent historic-age resource found at nearshore locations, agricultural levees. The first investigation reviewed existing literature for known and potential cultural resources within the area of potential effects (APE) at all 36 candidate sites. Consulted sources included the Washington Department of Archaeology and Historic Preservation's database of cultural resources reports and documented cultural resources properties, Washington State Register and National Register of Historic Places, and a wide variety of relevant primary and secondary documents. The reconnaissance inventory involved a pedestrian survey of public lands within the APE of 15 candidate locations, 12 of which ultimately were included in the Nearshore Project. Findings of the literature review and reconnaissance inventory revealed that most of the Nearshore Project's restoration sites contain known prehistoric archaeological sites, and three contain known historic archaeological sites, all of which could be impacted by restoration actions. Built environment resources identified and proposed for removal include sections of railroad line, railroad bridges, highway bridges, levee systems, industrial facilities, fish hatchery, marine-related research facilities, water front structures and numerous agricultural, residential, and commercial buildings.

Context developed for agricultural levees provided highly useful information for the era of initial construction and use in the 1860s and 1870s, and up to 1910. A more detailed analysis, however, is required for the historic-era post 1910. The Corps' program of upgrading existing agricultural levees and constructing new levees for flood control purposes is of particular concern.

4.0 PROPOSED GUIDELINES

This draft cultural resources plan sets forth a series of draft guidelines for Section 106 actions executed as Nearshore projects are approved and funded and restoration project designs are

refined. As indicated in the introduction to the plan, the Corps is in the process of working with SHPO/THPOs, the ACHP, Tribes local preservation commissions and other invited parties to prepared either a PA or MOA to conclude the Corps Section 106 responsibilities. that express their desire to participate. The Corps has responsibility for ensuring that they meet and conclude Section 106 consultation of the National Historic Preservation Act.

4.1 GUIDELINE 1: UPDATE HISTORIC CONTEXT FOR LEVEES

The Corps will sponsor work to update the historic context and registration requirements developed for levees by the USFW's contractor in 2011. Updating the historic context will specifically focus on the importance of agriculture to Puget Sound's economic and social well being and growth from 1910 to the end of the historic era; the Corps' program of levee construction and repairs in support of its flood control mission during the historic era; New Deal agency work on levee construction and repairs during the 1930s and early 1940s; and the evolution of the engineering design of levees and the associated components, such as pump houses, during the historic era. Corps reports and maps on file at the Seattle District office will be consulted. Significance and integrity requirements for determining the National Register eligibility of levees will be revised in accordance with the findings of the updated historic context.

The updated levee report will be completed in advance of construction at any of the restoration sites. The Corps will submit the document to SHPO for review and concurrence prior to the onset of construction as well. The updated report will serve as the basis for evaluating the National Register potential of all levee systems proposed for impact by the Nearshore Project.

4.2 GUIDELINE 2: IDENTIFICATION OF AREA OF POTENTIAL EFFECT (APE)

The Corps shall determine and document the APE for each restoration project in consultation with SHPO/THPOs and other consulting parties, pursuant to 36 CFR 800.16(d). An APE will be congruent with the design boundary of a project, including the entire area proposed for restoration and all lands to be acquired by the Corps. Off-site staging areas, new access roads and existing access roads to be modified to meet project needs would be incorporated into the APE.

4.3 GUIDELINE 3: IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

The Nearshore Project warrants the use of intensive-level investigations for the identification and evaluation of historic properties. As indicated above, most of the restoration sites contain archaeological sites and/or historic-age buildings and structures; therefore, the potential for restoration actions impacting cultural resources is high. Additionally, many Tribes value the

Puget Sound Basin as part of their traditional homeland, ceded land, or area of accustomed use, and may attach religious, social, or cultural significance to locations near or within restoration sites. Traditional Cultural Properties (TCPs) associated with other community or cultural groups may also exist within or near restoration project APEs.

4.3.1 Professional Qualification Standards

The Corps must ensure that the identification and evaluation of historic properties at restoration projects is conducted by or preformed under the direct supervision of cultural resource specialists who meet the professional standards of 36 CFR 296.8, or the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739). Specifically, all archaeological surveys, testing efforts, and evaluations will be conducted by or preformed under the direct supervision of a qualified professional archaeologist(s), and all historic building and structure inventories and evaluations will be conducted by or preformed under the direct supervision of a qualified professional historian(s), historic architect(s), and/or architectural historian(s). Additionally, a qualified professional ethnographer or an anthropologist with a background in ethnography will be responsible for documenting and evaluating TCPs. Anthropologists/ethnographers will seek to work in close collaboration with members of the Tribe or other community or cultural group associated with a TPC.

The Corps may use qualified professional members of its staff for identification and evaluation efforts, or it may contract all or parts of the work to a qualified professional consultant(s). The Corps is responsible for work products prepared by consultants.

4.3.2 Determinations of Eligibility (DOE)

Cultural resources identified at restoration sites will be evaluated for their eligibility for listing in the National Register of Historic Places, with the exception of isolated artifacts. There are three basic standards that a property must meet to be determined eligible for listing in the National Register: age, significance, and integrity. Properties generally must be 50 years or older, although properties more recent in age may be determined eligible if they possess exceptional significance. To be significant, a property must meet the conditions of one or more of the four National Register criteria, as follows:

- **Criterion A:** The property is associated with events that have made a significant contribution of the broad patterns of our history.
- **Criterion B:** The property is associated with the lives of persons significant in our past.
- **Criterion C:** The property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction. And

- Criterion D: The property has yielded, or may be likely to yield, information important in prehistory or history.

Integrity focuses on the ability of a property to convey its significance. There are seven aspects by which a property's integrity is judged, including location, design, setting, materials, workmanship, feeling, and association. These aspects are not of equal importance in evaluating the overall integrity of a particular property type and a property need not retain all seven aspects to be eligible for National Register listing. Rather only those aspects of integrity vital for conveying a property's significance must be retained.

4.3.3 Update Literature Review

The Corps shall ensure that a search of the Washington Information System for Architectural and Archaeological Records databases is completed prior to the onset of any field work for a restoration project. The search will identify whether any cultural resources investigations have occurred and additional properties documented within each project's APE since completion of the 2011 literature review.

4.3.4 Archaeological Survey and Testing

To account for archaeological sites within the APEs of restoration projects, the Corps will implement a phased survey investigation, narrowing in focus when specific resources are identified. The archaeological survey methods outlined below will be tailored to each project and will take into account the previous cultural resources field investigations within the APE.

4.3.4.1 Phase I Survey and Testing

4.3.4.1.1 Background Research

Prior to the onset of archaeological field work at a restoration site, the preliminary cultural resources investigation reports (see Section 3.0) will be reviewed to determine what additional work may be needed at each restoration site. Additional background research will incorporate and expand on the background research compiled thus far. The focus of the effort will be to collect and synthesize information regarding the environmental history and cultural history of the site and to aid in developing prehistoric and historic contexts against which the significance of potential archaeological resources may be measured.

Environmental background research will entail a review of primary and secondary sources relevant to the environmental and geological processes that have shaped a restoration site, and a review of historic maps providing documentation of land use changes. Historic maps consulted include but are not limited to General Land Office (GLO) maps, Metsker maps, Sanborn maps, and Nautical charts. Cultural context development will rely on information gleaned from cultural resources reports, including the preliminary literature review prepared for the original candidate

list of 36 Nearshore restoration sites, site forms, histories, and a variety of other primary and secondary sources. The background research results will be used to determine the probability for the presence of archaeological resources within the APE.

4.3.4.1.2 Archaeological Fieldwork

Prior to the archaeological survey, existing fieldwork and background information will be reviewed in conjunction with project designs to guide the level of field efforts necessary at each restoration site. The archaeologist will attempt to relocate all previously recorded archaeological sites and determine if additional fieldwork is necessary.

Archaeological surveys will include pedestrian transects and presence/absence subsurface testing. Subsurface testing may include but is not limited to: auger probes, shovel probes, backhoe test pits, and/or 50x50 cm test units. Transect intervals for the pedestrian survey and subsurface testing will be determined based on the probability for the presence of archaeological remains. All pedestrian survey transects and presence/absence subsurface testing locations will be recorded using a GIS-based system. Photographs will be taken at each restoration site and will include overview photographs of the area, representative photographs of site conditions, representative photographs of presence/absence subsurface probes; and representative photographs of any artifacts that may be identified.

A Washington State Archaeological Site form will be completed for newly identified archaeological sites. Forms for previously recorded sites will be updated. A Washington State Isolate form will be completed for identified isolates. No artifacts will be collected during the pedestrian survey or the presence/absence testing; instead, artifacts will be recorded and mapped in place and left in their original location. A determination of eligibility (DOE) will be made for only those archaeological resources for which sufficient information has been collected. If sufficient information is lacking, recommendations will be made for additional work required.

4.3.4.2 Phase II Archaeological Testing

If additional testing is necessary to gain sufficient information on any archaeological site, a research design will be prepared that addresses the field methodology to be used. The field methodology will be designed to obtain the necessary information needed to make a DOE. This may provide details necessary to determine a site's limits/boundaries, function, structure, and/or integrity. The site form will be updated to incorporate all new information.

4.3.5 Historic-Age Buildings and Structures Inventory

All unrecorded historic-age buildings and structures within a restoration site's APE will be inventoried at an intensive level and evaluated with regard to their eligibility for listing in the National Register. Buildings/structures 45 years or older at the time of the inventory will be

considered “historic-age.” A 45-year hallmark anticipates that restoration actions will commence no more than five years after an inventory’s completion.

In addition to unrecorded historic-age properties, the inventory will investigate all previously documented buildings and structures to confirm whether they are still extant and if so, to determine whether their eligibility status requires reevaluation. Modern buildings and structures (constructed after the 45-year hallmark) that appear to possess exceptional architectural/engineering, historical, and/or cultural values will be inventoried and evaluated.

The intensive level inventory will collect sufficient information to access the integrity and evaluate the significance of a building/structure under National Register criteria A, B, C, and if applicable, D. Work will include both field investigations and research. Field investigations will collect information on the physical attributes of a building/structure including its form, scale, massing, construction materials, major structural elements, stylistic details and, if appropriate, technological systems/equipment (such as the pumping system at a pump plant, for example). Special note will be made of any alterations and/or additions, and a justifiable estimate of when such changes occurred provided. Digital photographs will be taken of each building/structure and will include clear views of all facades and any notable or character-defining architectural/engineering elements. Two facades of a building/structure may be captured in a single view.

The research phase of the inventory will attempt to identify a building/structure’s construction year or era, original owner and/or occupant, original function, and changes to function, if any. Construction dates will need to be confirmed by two or more sources, including tax assessment records. Source materials suggested for consultation may include, but are not necessarily limited to, tax assessment records, deed records, local and regional histories, city directories, newspapers, Sanborn and other maps, and oral informants.

In addition to resource-specific information, research efforts will collect information as needed to prepare context for assessing the historical and/or architectural/engineering significance of buildings and structures at a restoration location. In addition to source materials listed above, National Register nomination forms and multiple property documents, Washington State historic property inventory forms (HPI) and cultural resource inventory reports prepared for building and structure types similar those identified at the restoration site should be consulted.

A Washington State HPI form will be prepared for each historic-age building or structure inventoried. A form will provide: a detailed physical description of the resource, with modifications and alterations noted; an integrity assessment that considers all relevant aspect of integrity; historic context; statement of significance; and a determination of eligibility. HPI forms for previously recorded buildings and structures will be updated, as necessary.

4.3.6 Traditional Cultural Properties Inventory

Traditional Cultural Properties (TCPs) are cultural resources that are associated with the cultural practices or beliefs of a living community and are both rooted in that community's history and are important in maintaining its cultural identity (Parker and King 1998). TCPs generally must meet the same criteria for significance and retain integrity to be eligible for listing in the National Register. They are afforded the same protection as other types of historic properties.

The Corps shall ensure that an intensive level of effort is made towards the identification and evaluation of TCPs within or near restoration sites. Affected Indian tribes shall be contacted for information about places of significant cultural, social, or religious values to their heritage. Additionally, an ethnographer will conduct research to identify potential TCPs near or within restoration sites, including those that may be associated with non-native social, cultural, or ethnic groups. Consulted sources shall include ethnographic reports, oral history transcripts, histories, and other relevant primary and secondary materials. If a potential TCP is identified, the Corps will use a variety of means to elicit information from the associated community such as conducting oral interviews and on-site visits with community representatives, for example. On-site investigations will attempt to document both the visible and non-visible characteristics of the property, period of significance, and boundary. The ethnographer will record the findings of the investigation, including a determination of eligibility. The Corps will ensure all information provided by Tribes and non-native communities is kept confidential.

4.3.7 Reporting Standards

The methods and findings of the intensive level cultural resource investigations completed for a restoration project or multiple projects should be combined in a single inventory and evaluation report. Phase II archaeological testing might require separate reporting. All reports will be prepared following the most current version of *Washington State Standards for Cultural Resource Reporting*. The Corps will submit the reports to SHPO/THPOs, Tribes, and other consulting parties for concurrence. All consulting parties have 30 days from the receipt of a report to respond.

5.0 EFFECTS ASSESSMENT

The Corps will be responsible for all effects assessments and reporting their findings to SHPO/THPOs and other consulting parties.

5.1 NO HISTORIC PROPERTIES AFFECTED

If the Corps finds there are or no cultural resources in an APE or that none of the cultural resources identified in the APE are eligible for listing in the National Register, and the SHPO/THPO has

concurred with the finding, a determination of “No Historic Properties Affected” will be documented for the action pursuant to 36 CFR 800.4(d)(1). No further action is required.

5.2 HISTORIC PROPERTIES AFFECTED

If the Corps finds that one or more cultural resources identified in the APE are eligible for National Register listing, and the SHPO/THPO has concurred with the finding, a determination of “Historic Properties Affected” will be documented for the action pursuant to 36 CFR 800.4(d)(2). The Corps will then apply the criteria of adverse effect at 36 CFR Part 800.5(a)(1) to the affected historic property(s).

5.3 ASSESSMENT OF ADVERSE EFFECTS

36 CFR 800.5 (a)(1) specifies that effects are adverse when:

an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

Adverse effects on historic properties include, but are not limited to (36 CFR Part 800.5(a) (2):

- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary of Interior's *Standards for the Treatment of Historic Properties* and applicable guidelines;
- Removal of the property from its historic location; Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features; and
- Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

5.3.1 No Adverse Effect

If the Corps determines that project actions will have no adverse effect to historic properties, and the SHPO/THPO concurs with the finding, no further action is required pursuant to 36 CFR 800.5(d)(1).

5.3.2 Adverse Effect

If the Corps determines that project actions will alter or diminish the characteristics that qualify a property for National Register listing, a finding of adverse effect will be determined pursuant to 36 CFR 800.5(d)(2). The Corps must work in consultation with the SHPO/THPOs and affected Tribes to resolve all adverse effect determinations.

6.0 PROPOSED RESOLUTION OF ADVERSE EFFECTS

6.1 AVOID OR MINIMIZE ADVERSE EFFECTS

The Corps will consider options for avoiding or minimizing adverse effects to historic properties. Options to be considered will include:

- project redesign to avoid historic properties; and
- project redesign to minimize adverse effects to historic properties.

If the Corps determines that an adverse effect to an historic property will be successfully avoided through one of the above options, and SHPO and affected consulting Tribes agree, the Corps will document the outcome as a “Finding of No Adverse Effect.” No further action will be required.

6.2 RESOLUTION OF UNAVOIDABLE ADVERSE EFFECTS

If adverse effects cannot be avoided, the Corps will consult with the SHPO/THPO and affected consulting Tribes to reach agreement in mitigating the adverse effect. The Corps will provide documentation pursuant to 36 CFR 800.11(e) of the proposed resolution of adverse effects to the SHPO/THPO and any affected consulting tribe(s) for a 30-day review period. If no objections are received within 30 days, the Corps shall assume concurrence and proceed with preparation of a Memorandum of Agreement between the Corps, SHPO/THPOs, Tribes, and other consulting parties for identifying and carrying out mitigation measures.

If the SHPO/THPO or affected consulting Tribes object to the proposed resolution of adverse effects, and agreement cannot be reached through further consultation, the Corps will forward all relevant documentation to the ACHP pursuant to 36 800.7(a)(1) for comment within 45 days. Any ACHP comment received within 45 days will be taken into account by the Corps in accordance with 36 CFR 800.7(c).

7.0 ARCHAEOLOGICAL MONITORING

The Corps will prepare an inadvertent discovery and monitoring plan (Plan) if archaeological monitoring is required during construction at any of the restoration sites. Monitoring may be required if there is potential for historic properties located within or adjacent to the APE to

inadvertently be impacted by construction activities, if monitoring is requested by the SHPO or a THPO, if monitoring is required as part of a mitigation plan, or if it is determined that due to environmental constraints, monitoring is the best method to determine whether archeological resources are within the APE.

Each Plan will be developed specifically for the restoration site where monitoring will occur. The Plan will contain a brief project description, purpose for monitoring; the types of archaeological deposits that could be identified during monitoring, and a protocol of monitoring procedures. Monitoring procedures to be included in the Plan include, but are not limited to, safety and hazardous conditions standards; documentation standards; request for work stoppages; unanticipated discovery protocol for both non-eligible and eligible archaeological resources; and protocols for the inadvertent discovery of human remains. The Plan will be reviewed by SHPO/THPO and consulting parties prior to being finalized. For restoration sites where archaeological monitoring is to occur, the construction contractor will be required to have an inadvertent discovery clause in their contract.